

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

ERIC PRESCOTT KAY

No. 4:20-CR-269-Y

**RESPONSE TO GOVERNMENT’S REPLY TO ANGELS BASEBALL LP’S
OPPOSITION TO EXPEDITED BRIEFING**

Angels Baseball LP (“Angels Baseball”) submits this Response to the Government’s Reply to Angels Baseball LP’s Opposition to Expedited Briefing (ECF No. 40) (the “Reply”), which the Government had requested in its Motion to Compel (ECF No. 37) (the “Motion”).

As an initial matter, the Government seeks in its Reply specific relief that it did not request in its Motion without conferring with counsel for Angels Baseball, as required by Local Criminal Rule 47.1. For example, the Government initially demanded an “expedited” briefing schedule and a ruling that Angels Baseball produce documents on August 30, 2021. Now, the Government, for the first time, specifically requests the Court permit Angels Baseball until August 31, 2021 to oppose its Motion. [*Compare* Motion at 19 with Reply at 1]. Angels Baseball has been and remains available to meet and confer with the Government.

With regard to the deadline for opposing the Motion, Angels Baseball maintains that it should be allowed a minimum of ten days, not the seven days now requested by the Government. While the Government correctly notes that Angels Baseball has engaged in substantial meet and confers regarding the subpoena at issue, the Government has raised new issues in its Motion that have never been discussed, including the issue of waiver. Ten days is a reasonable period of time to address these issues under the circumstances noted in Angels Baseball’s initial response.

Finally, should the Court decide to schedule a hearing on the Motion in the week of September 6, 2021, as the Government now requests, Angels Baseball respectfully requests that the hearing not be scheduled on September 6-9. Labor Day is September 6, and Rosh Hashana (a religious holiday celebrated by lead counsel for Angels Baseball) falls on the days thereafter. This request is not intended for the purpose of delay, but so that these holidays may be honored and so that justice may be done. A hearing set the following week will provide ample time for any necessary steps to be taken in advance of trial.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on August 24, 2021, I filed this notice with the clerk of court for the U.S. District Court, Northern District of Texas through the electronic filing system which will generate service to all counsel of record.

/s/ John H. Cayce

John H. Cayce